

No. 18 - 170

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**In the Supreme Court of the United States**

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JOHN A. GENTRY, PETITIONER

v.

THE TENNESSEE BOARD OF JUDICIAL CONDUCT;  
STATE OF TENNESSEE; et al., RESPONDENTS

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**MOTION TO EXPEDITE CONSIDERATION OF  
THE PETITION FOR A WRIT OF CERTIORARI**

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I. EXPEDITED CONSIDERATION IS  
NECESSARY

Pursuant to Supreme Court Rule 21 and for the reasons set forth below, Petitioner, Mr. John Anthony Gentry, hereinafter "Mr. Gentry", respectfully moves for expedited consideration of his Petition For Writ of Certiorari, filed August 1, 2018, to review the judgement of the United States Court of Appeals for the Sixth Circuit.

Due to the nature of this case: (1) unconstitutional state statutes enacted with the intent of protecting state official corruption and to deprive rights, (2) unenforceability of constitutionally guaranteed rights, (3) failure of the state to provide objective oversight of its judiciary, and (4) licensed attorneys and judges are permitted to perpetrate crimes and violate rights under color of law with impunity, Petitioner has repeatedly sought expedited and en banc consideration of this matter.

Upon appeal to the U.S. Court of Appeals for the Sixth Circuit, Mr. Gentry petitioned that court for initial hearing en banc accompanied by: **MOTION TO EXPEDITE APPEAL AND PETITION FOR INITIAL HEARING EN BANC.**

The en banc coordinator for the Sixth Circuit improperly docketed the motion as **only** a motion to expedite the case. See 6<sup>th</sup> Cir. Docket Entry 17. Mr. Gentry resubmitted the motion to expedite specifically for initial hearing en banc (6<sup>th</sup> Cir. Docket Entry 19), but before the motion could be distributed to the en banc court for proper consideration, and as stated in his Petition for Writ of Certiorari:

While the 6th Cir. was not in session, and only after two weeks filing, and during which occurred the Thanksgiving holiday, the two judges for whom disqualification was sought, issued a defective “two judge panel” order (Appendix B), in violation of 28 USC § 46(b), denying initial hearing en banc (See Appendix E Petition For Initial Hearing En Banc), and denying disqualification without stating any basis for denial and without denying evidenced personal bias.

Appendix B (two judge panel order) and Appendix F (Motion to Expedite Petition for Initial Hearing En Banc) were provided to this Court as appendix to his Petition for Writ of Certiorari. Appendixes B, E, F, G, H, I, J, K, L, M, N, O, P, and Q were “selectively excluded” from the online public record by the Clerk’s Office for the Supreme Court of the United States, strongly suggesting a desire to conceal the record from the general public that evidences judicial misconduct of the lower courts.

The defective “two judge panel” order issued in violation of 28 USC § 46(b) is reproduced herein as follows:

No. 17-6171

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

JOHN ANTHONY GENTRY, )  
 )  
Plaintiff-Appellant, )  
 )



v.	)	ORDER
	)	
TENNESSEE BOARD OF	)	
JUDICIAL CONDUCT,	)	
ET AL.,	)	
	)	
Defendants,	)	
	)	
STATE OF TENNESSEE;	)	
PAMELA ANDERSON	)	
TAYLOR; BRENTON HALL	)	
LANKFORD; SARAH	)	
RICHTER PERKY,	)	
	)	
Defendants-Appellees.	)	

The court having received a petition for initial hearing en banc, and the petition having been circulated to all active judges of this court, and no judge of this court having favored the suggestion,

It is **ORDERED** that the petition be and hereby is denied.

It is further **ORDERED** that the motion for Judges Guy, Batchelder and Cook to recuse or disqualify be and it hereby is **DENIED** as to Judges Batchelder and Cook. Judge Guy did not participate in this ruling.

**ENTERED BY ORDER OF THE COURT**

s/ \_\_\_\_\_  
Deborah S. Hunt, Clerk

Cleary, the above order denying initial hearing en banc was a defective “two judge panel” order issued in violation of U.S.C. which requires a three-judge panel, and due to the speed in which the ruling was issued, the en banc court could not possibly have considered Mr. Gentry’s motion to expedite.

Due to the fact that the 6<sup>th</sup> Circuit “*two-judge panel*” took steps to curtail en banc consideration indiscriminately, Petitioner sought review in this Court “BEFORE JUDGMENT” and moved to proceed as a veteran and on papers which was DENIED by this Court on March 19, 2018.

Seven (7) days later, on March 26, 2018, the U.S. Court of Appeals for the Sixth Circuit issued ruling affirming dismissal of all causes of action. Since that ruling occurred significantly sooner than is typical of the 6<sup>th</sup> Circuit, and because it was made only seven (7) days after denial of motion to proceed as a veteran in this Court, plausibly suggests intent to preclude Petitioner from seeking Certiorari “BEFORE JUDGMENT”

Mr. Gentry remains hopeful this Court will provide expedited consideration in this matter. Presently before this court is related Case No. 17-1479. That case, is presently DISTRIBUTED for Conference of September 24, 2018.

Expediting this case for consideration with Case No. 17-1479 provides for judicial efficacy as the questions presented are much the same. Expedition is necessary to ensure that the Court considers the petition at its September 24 conference and, if it grants certiorari, align the schedule in this case with briefing in Gentry v. Thompson, No. 17-1479.

More importantly though, the State of Tennessee has FORSAKEN its REPUBLICAN

CHARACTER and citizens have no means to address grievances against the state subjecting them to despotism necessitating expedited consideration.

A. FACTS THAT NECESSITATE EXPEDITED  
CONSIDERATION

As stated in **Appendix F to Petition for Writ of Certiorari**, with said appendix “selectively excluded” from the online public record:

The facts of this case are undisputed and well evidenced in state statutes, Annual Reports of state oversight agencies, the District Court record, and in the decisions of this Honorable Court:

State statutes have been enacted with the singular decipherable intent of protecting corrupt conduct in state court proceedings, ...

The Annual Reports of the Tennessee Board of Judicial Conduct (TBJC) prove gross negligence of the state in providing oversight of the state’s judiciary, ... News articles further prove the state’s gross negligence See D. Ct. Dkt. No. 72-1, 72-2, 72-3 and 72-4.

The facts of this case pertaining specifically to Plaintiff – Appellant, herein after “Mr. Gentry” are undisputed and well-evidenced in the record through certified court reporter transcripts, court orders, docket reports, and emails. These uncontested facts prove beyond any doubt that the Defendants in this case conspired to deprive rights, violated constitutionally protected rights, and inflicted federal crimes upon Mr. Gentry in a



pattern of racketeering activities... **Appendix F to Petition for Writ of Certiorari p. 71a**

**B. FALSE IMMUNITIES NECESSITATE  
EXPEDITED CONSIDERATION**

As further stated in **Appendix F to Petition for Writ of Certiorari**, with said appendix “selectively excluded” from the online public record:

At the heart of this matter is the question: “*Are state court judges and attorneys above the law and can they violate constitutionally protected rights and commit federal crimes with impunity?*” In related Case No. 17-5204, recently decided upon by this very court, it was determined sovereign immunity extends to state court judges despite repeated and gross violations of constitutionally protected rights and violation of federal laws, while the plaintiff seeks only equitable relief. Due to the further fact, that a Petition for Rehearing En Banc was denied in that case, this entire court has upheld that state court judges cannot be held accountable in federal court for repeated and gross violations of constitutionally protected rights and violation of federal laws.

At present, Tennessee litigants are being heard before state judges who are provided unconstitutional immunity by state statute for; false arrest, malicious prosecution, civil rights violations, abuse of process, infliction of mental anguish, etc., etc. pursuant to Tenn. Code Ann. 29-20-205.

Moreover, as evidenced in the record, Attorneys conspire against their own clients and commit state and federal crimes with impunity **Appendix F to Petition for Writ of Certiorari p. 72a**

The federal crimes and rights violations inflicted upon Mr. Gentry during state trial and appellate court proceedings (D. Ct. Dkt. No. 36 and 36-1) are undisputed. Common sense logic dictates that these crimes and rights violations would not be perpetrated by the Defendants, except for the fact of their knowledge that their crimes and rights violations would go unpunished. It must be obvious to this court that if state appellate courts and state oversight agencies were providing "honest services", and if federal courts enforced constitutional rights, rights violations would not occur in state court proceedings.

Very obviously, the due process clauses of the fifth and fourteenth amendments pertain to judicial proceedings. Due to the fact that this court has held that sovereign immunity extends to state court judges in Case No. 17-5204, even when a plaintiff seeks only equitable relief for due process rights and federal law violations, and the further fact that the Tenn. Code Ann. 29-20-205 provides immunity to state court judges for civil rights violations, abuse of process, malicious judicial proceedings, etc. constrains the due process clauses of our federal constitution making them unenforceable against state court judges.

**Appendix F to Petition for Writ of Certiorari p.  
73a**

**C. LACK OF JUDICIAL OVERSIGHT  
NECESSITATES EXPEDITED  
CONSIDERATION**

In addition to the Annual Reports published by the Tennessee Board of Judicial Conduct (TBJC), recent news articles further prove the grossly negligent performance of the state to provide oversight of its judiciary as evidenced in the record and discussed in Appendix F to Petition for Writ of Certiorari that was “**selectively excluded**” from the online public record as follows:

Recently, state court judge Casey Moreland was arrested by federal authorities... Judge Moreland had been on the bench since 1998, and the TBJC admitted to the media, that multiple complaints to the board, against Judge Moreland had been received and dismissed. A USA Today reporter stated in her article: “Documents suggest Moreland had continued control in those cases, and that may be symptom of a larger problem.” Further in that article is a quote of David Cook, a former member of the TBJC: “It could just be a bureaucratic mix-up, but it certainly has every appearance of a conflict and does not inspire confidence in the judicial system.”

In a Tennessean news article, it was reported Moreland kept a list of 13 people on his iPhone labeled “witnesses” and he paid more than \$6,000 so a woman would recant

her allegations against Moreland and he plotted to have drugs planted in her car to be “discovered” in a staged traffic stop. Judge Moreland’s wife testified he moved out of their home due to infidelity allegations, was diagnosed with a depressive disorder in 2009, and struggled with mental illness and alcohol abuse.

The fact that the TBJC received and dismissed multiple complaints against a judge of such character, evidences the state provides no objective oversight of its judiciary. The fact he remained on the bench since 1998, despite multiple complaints against him to the TBJC, evidences a profound need of reform. **Appendix F to Petition for Writ of Certiorari p. 75a – 76a**

**D. ALL COURTS SHALL BE OPEN AND  
EXCLUSION OF THE RECORD FROM ONLINE  
PUBLIC ACCESS NECESSITATES EXPEDITED  
CONSIDERATION**

Herein this present case before the Court, the Clerk’s Office has accepted and docketed Mr. Gentry’s petitions and motions but has not made available for public online access, appendixes B, E, F, G, H, I, J, K, L, M, N, O, P, and Q in the online public record on the Court’s website. Moreover, **the appendixes that were included do not include their cover sheets, and are placed out of order** as evidenced by the out of sequence page numeration. This fact is undeniable and makes discerning what appendixes were included/excluded difficult.

The fact that the few appendixes that were included do not include their cover sheets, and are placed out of order is detrimental to Petitioner's reputation and to the case overall. Petitioner meticulously reproduced and reformatted appendixes to comply with the Court's arduous Sup. Ct. Rule 33.1. The fact that the cover sheets are not included for the few appendixes that were included in the online public record, and further fact that the appendixes are out of order, makes Petitioner's petition appear disorganized, difficult to follow, and unsubstantiated causing harm to his reputation and to the case.

These facts conceive the unfortunate appearance, of an intent to provide plausible denial of review of the case by this Court. With the full record available to the public in the online public record, there is little doubt of misconduct and denial of due process by the lower courts, necessitating review and expedited consideration. Without the full record available, Petitioner's contentions appear unsubstantiated, providing the Court plausible reason to deny certiorari.

Petitioner respectfully complains this is not fair to him, offends keystone fundamental elements of our judiciary, and is unfair to the American people in general.

In related Case No. 17-1479, the Clerk's Office properly docketed all appendixes in the online public record, including appendix cover pages making navigation of appendixes efficient and intuitive.

Apparently, this case and related Case No. 17-1479 have been personally assigned to Deputy Clerk Jeffery Atkins. Prior to exclusion of appendixes from the online public record, Mr. Gentry had very positive

interaction with Deputy Clerk Jeffrey Atkins. Mr. Atkins promptly returned phone calls and was always helpful in procedural matters.

On August 8, 2018, Petitioner noted that only three (3) of the seventeen (17) appendixes he filed as part of his Petition for Writ of Certiorari were made available for download on the Court's website. On the same day, at 7:54AM and 11:17AM CST, Petitioner contacted Deputy Clerk Jeffrey Atkins via phone voice message, complaining that all of the appendixes should be made available to the public on the court's website.

At 11:38AM, Deputy Clerk Jeffrey Atkins, returned Petitioner's call stating that all of Petitioner's appendixes were a part of the record and available in the Clerk's Office, but not all would be made available for public viewing and download on the Court's website. See **Appendix A** attached to this motion evidencing phone calls. **Deputy Clerk Jeffrey Atkins did not state any basis for "selective exclusion" of fourteen appendixes from the online public accessible record.**

In another case docketed in this Court, Petitioner noted an appendix that included more than three-hundred (300) pages. Petitioner's appendixes were comprised in total of only one-hundred and seventy-three (173) pages. Therefore, file size does not preclude inclusion in the online public record of Petitioner's appendixes.

Tennessee Constitution, Art. I Declaration of Rights, § 17 states:

That **all courts shall be open;** and every man, for an injury done him in his lands, goods, person or reputation, shall have remedy

by due course of law, and right and justice administered without sale, denial, or delay.

It is for good reason the founding fathers of Tennessee included § 17 in Tennessee's Constitution. Open courts are a keystone of justice.

Without publicity, all other checks are insufficient: in comparison of publicity, all other checks are of small account. Recordation, appeal, whatever other institutions might present themselves in the character of checks, would be found to operate rather as cloaks than checks; as cloaks in reality, as checks only in appearance. J. Bentham, Rationale of Judicial Evidence 524 (1827). (at 569)

In the case, *Richmond Newspapers, Inc. v. Virginia*, 448 US 555 - Supreme Court 1980, Chief Justice Burger, provided a comprehensive summary of the history and value of open courts that included the following:

Civilized societies withdraw both from the victim and the vigilante the enforcement of criminal laws, but they cannot erase from people's consciousness the fundamental, natural yearning to see justice done—or even the urge for retribution. **The crucial prophylactic aspects of the administration of justice cannot function in the dark; no community catharsis can occur if justice is "done in a corner [or] in any covert manner."** *Supra*, at 567. It is not enough to say that results alone will satiate the natural community desire for "satisfaction." **A result**

**considered untoward may undermine public confidence, and where the trial has been concealed from public view an unexpected outcome can cause a reaction that the system at best has failed and at worst has been corrupted. To work effectively, it is important that society's criminal process "satisfy the appearance of justice," Offutt v. United States, 348 U. S. 11, 14 (1954), and the appearance of justice can best be provided by allowing people to observe it. (at 571 - 572)**

In this present matter before the Court, there are thousands of victims of corrupt court proceedings following this case, hopeful of fair and just resolution. In fact, one person made the following statement in a Facebook social media post:

"I read your Motion to Disqualify the very judges to hear your case in the Supreme Court. It's BRILLIANT.. SPOT ON! I just want to say, that, in light of, everything that has happened to everyone that I know, in several states, these things have escalated and have become 'normal' for the common man to endure. I believe in US. I believe in what our country is supposed to mean, to billions of people... I believe that THIS, is all a part of a New Revolution. One that accomplishes, the resurrection of the United States Constitution. My fathers father, and his father did not shed blood in vain. I will stand with you. I will stand against Royalty, Depotism, and Injustices of the Peace in our great United States of America. Thank you, to the people that stood



against the King of Great Britain... **and thank YOU, John Gentry, for renewing my faith in mankind.**" Facebook Profile Name: Michlle Schultz

Despite lack of media attention in this case, nearly 12,000 victims of court corruption are following this case. The above Facebook post is one of many thousands that represent and have interest in this case.

The appendixes referenced above, and not made available to the public through online access evidence federal judge conduct that; appears impeachable in nature, violates due process, circumvents the intent of Congress, and circumvents Federal Rules of Civil Procedure.

Due to the fact that these records are not made available for public online access, suggests this our highest court, desires to "function in the dark" and conceal judicial misconduct of federal judges. There is no doubt, allegations and facts in this case include criminal conduct by the Respondents and therefore proceedings should be open and not restricted to access only through the Clerk's Office.

The appendixes listed above and "**selectively excluded**" from the online public record, evidence that federal court judges engaged in conduct specifically intended to obstruct justice and to protect the criminal and unconstitutional conduct of fellow legal professionals.

There can be no sound reason for the Clerk's Office to "**selectively exclude**" appendixes from online public access that evidence federal judge misconduct except to hide such misconduct.

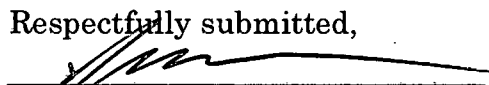
Hereto is imperative for this court to expedite this case. If federal court judges are protecting criminal and unconstitutional conduct for fellow legal professionals, and the evidence included in appendixes strongly suggests this to be true, this Court should have every desire to expose and remove such conduct.

Very obviously, these circumstances cannot be permitted to continue and this matter should be resolved as expeditiously as possible. Legal maxims..., fundamental principles of law dictate so: *Malitis hominum est obviandum* (the malicious designs of men must be thwarted), and *Actus repugnans non potest in esse produci* (A repugnant act cannot be brought into being)

Petitioner respectfully requests expedited consideration, and scheduling for conference on September 24, 2018 with related Case No. 17-1479 and to align the schedules for briefing.

DATED: August 20, 2018

Respectfully submitted,



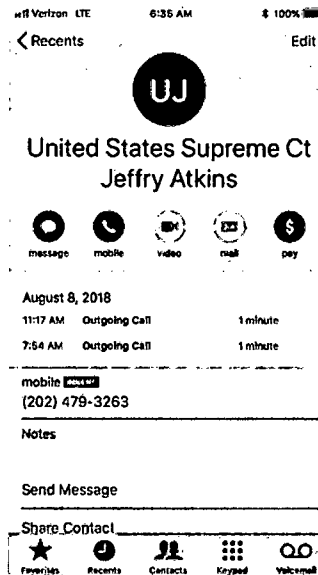
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## **Appendix A:**

**Evidence of Phone Calls To And  
From Clerk's Office of The  
Supreme Court of the United  
States**

## Outgoing Calls to Deputy Clerk Jeffery Atkins



## Incoming Call from Deputy Clerk Jeffery Atkins

